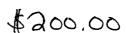
ARTICLE 13: VARIANCE PROCEDURE

The board may authorize in specific cases a variance from the specific terms of this Article which will not be contrary to the public interest and where, owing to special or unusual conditions, a literal enforcement of the provisions of this Article results in unnecessary hardship, and provided that the spirit of the article shall be observed, public safety and welfare secured and substantial justice done. Such variance shall not permit any use not permitted by this Article in a zoning district. A request for a variance may be granted in such case; upon a finding of the board that all of the following conditions have been met:

- 1. That the variance request arises from such conditions which are unique to the property in question and which are not ordinarily found in the same zone or district; and such conditions are not created by an action or actions of the property owner or applicant;
- 2. That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents;
- 3. That the strict application of the provisions of this Article of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application;
- 4. That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare; and
- 5. That granting the variance desired will not be opposed to the general spirit and intent of these regulations.

When an applicant feels that the strict application of the requirements of the Zoning Regulations would create an undue hardship, he or she may request a variance from the Board of Zoning Appeals. The Board of Zoning Appeals must base its decision, to as great a degree as possible, on factual evidence and not the personal opinion of the applicant, neighbors, or others. The request for a variance should be based on a conflict between the restrictions on the development of the property due to the Zoning Regulations and the restrictions on the development of the property due to its physical characteristics. A variance should be issued only to the specific restrictions on physical construction and not to the list of permissible land uses within a given zone.

In order to request a variance from the Board of Zoning Appeals:



- 1. The applicant shall first meet with the Codes Administrator to receive a complete explanation of the zoning requirement in question, the variance procedure, and an application form.
- 2. The applicant shall submit a completed application form and pay the application fee. As a part of the application, a sketch map shall be submitted showing the lot dimensions proposed and existing structures and uses on the property for which the variance is being requested and on immediately adjacent properties.

The application fee shall be used to cover expenses incurred by the city in the processing and review of the application. An application shall not be processed unless it has been fully completed, the application fee is paid, and all required information submitted.

Article 13 – Variance Procedure

3. Upon submittal of a completed application form and attachments and payment of the appropriate application fee, the Chairman of the Board of Appeals shall schedule a meeting of the Board of Zoning Appeals. Twenty (20) days prior to the Board of Zoning Appeals meeting, an official notice to the public shall be published in a newspaper of general circulation in the city explaining the variance request and the time and place of the scheduled hearing.

In addition, a copy of the public hearing notice shall be mailed by the city, to each party of interest, owners of all property located within 200 feet of the boundaries of the property included in the application, and to each Board of Zoning Appeals member at least twenty (20) days prior to the date of the public hearing.

Tormal Copy From Court House

- i) At the scheduled meeting, the Board of Zoning Appeals shall hear all facts and testimony from all parties wishing to be heard concerning the requested variance. In each case, the Board of Zoning Appeals shall not grant a variance unless it finds, by a concurring vote of a majority of a quorum, based on the evidence presented, facts which conclusively support all conditions as set forth in the zoning ordinance.
- 4. Minutes of the public meeting, including evidence presented during the proceedings and the findings of the Board of Zoning Appeals, shall be kept. The Board of Zoning Appeals may grant, grant conditionally, or deny the application for a variance. The written determination of the Board of Zoning Appeals shall be sent to all affected parties, including the Planning Commission.
- 5. Appeals to a decision made by the Board of Zoning Appeals shall be brought before the Municipal Court to determine the reasonableness of any such order or determination.

Article 13 – Variance Procedure

CITY OF EUDORA, KANSAS VARIANCE APPLICATION BOARD OF ZONING APPEALS

Return Form to:	Contacts:			For Office Use Only
Codes Administrator	PC Secretary	(785) 542-4111		Case ID.:
City of Eudora	Codes Administrator	(785) 542 3124		Filing Fee:
2 East 7th	City Administrator	(785) 542-4111		Date Submitted:
Eudora, KS 66025	Planning Consultant	(816) 363-2696		Date Advertised:
785) 542-3124	Engineering Consultant	(785) 749-4474		Date Notices Sent:
785) 542-4112 (fax)				Public Hearing Date:
APPLICANT INFOR	MATION:			
Applicant:			Phone:	
			Zip:	
Fax:	E-mail:			
			Phone:	
			Zip:	
	E-mail:			
PROPERTY INFORM	AATION:			
Location of Property:				
Legal Description:				
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ADJACENT ZONING	AND LAND LICE.			
ADJACENI ZUNING	S AIND LAIND USE:			
	Existing Land Use			Zoning
North				
South				
East				
Last				
West				
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Article 13 – Variance Procedure

Present Use of Property:			
Reasons for request and intended use of property:			
Check Item for which variance is requested: □Lot Coverage □Lot Size □Lot Width	□Sign □Fence □Landscaping		
□Lot Width □Parking □Setbacks	□Other		
Variance Application C	hecklist		
PLEASE INDICATE BELOW THE EXTENT TO WE STANDARDS ARE MET, IN THE APPLICANT'S OF EXPLANATION ON A SEPARATE SHEET FOR EACH FOUND TO BE MET.	PINION. PROVIDE AN H STANDARD WHICH IS	Yes	No
1. UNIQUENESS: The variance requested arises from suctoo to the property in question and which is not ordinarily district, and is not created by an action or actions of the property.	found in the same zone or		
2. ADJACENT PROPERTY: The granting of the permit for the variance will not adversely affect the rights of adjacent property owners represented in the application.			a ya I
3. HARDSHIP: The strict application of the provisions of which the variance is requested will constitute unner property owner represented in the application.			
4. PUBLIC INTEREST: The variance desired will not health, safety, morals, order, convenience prosperity, or a	1		
5. SPIRIT AND INTENT: The granting of the variance de the general spirit and intent of the zoning regulations.	esired will not be opposed to	N 30	3 h.
Applicant's Signature	Date		